

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION**

SHARON GIBSON,

Plaintiff,

v.

WAL-MART INC.,

Defendant.

CIVIL ACTION NO.: 5:22-cv-54

ORDER

Defendant filed a notice of removal from the Superior Court of Coffee County, Georgia, on September 14, 2022. Doc. 1. Defendant filed its Answer on September 14, 2022. Doc. 2. On this same date, the Court issued its standard Rule 26 Instruction Order. Doc. 6.

Federal Rule of Civil Procedure 26(f) requires the parties to meet and confer at the initiation of a lawsuit. Rule 26 requires the parties discuss a number of things, including the prospects for resolving a case, initial discovery disclosures, and a proposed discovery plan. The attorneys of record are “jointly responsible” for scheduling and attending the conference. Fed. R. Civ. P. 26(f)(2). Further, pursuant to Local Rule 26.1(e) of this Court, the parties must hold the Rule 26(f) conference within the later of 21 days of the filing of the notice of removal or the filing of the last defendant’s answer, but in no event later than 45 days after the first appearance by answer. Within 14 days of that conference, the parties are to file a report with the Court. Local R. 26.1(b); Doc. 6. Defendant filed its Answer on September 14, 2022. Therefore, the Rule 26(f) report was due no later than October 19, 2022. Despite these guidelines and instruction from the Court, the parties have not filed their Rule 26(f) Report.

Thus, the Court **ORDERS** the parties to show cause, in writing, within 21 days of this Order why this cause of action should not be dismissed due to the parties' failure to follow a Court Order. In the alternative, the Court once again **ORDERS** the parties to confer under Rule 26(f) within 14 days of this Order and submit a Rule 26(f) report within 7 days of their Rule 26(f) conference. Should the parties choose the latter option, the Court will issue an appropriate Scheduling Order.

SO ORDERED, this 2nd day of November, 2022.

A handwritten signature in blue ink, appearing to read 'B. Cheesbro', is positioned above a horizontal line.

BENJAMIN W. CHEESBRO
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA